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| HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030 | | | EXAMINER PYO, MONICA M | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,142

Applicant(s)

SINGHAL ET AL.

Examiner

Monica M. Pyo

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 42-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 42-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Amendment filed 7/6/2007.
2. Claims 1-11 and 42-45 are currently pending in this application. In response to the Amendment filed 7/6/2007, claims 12-41 are canceled and claims 42-45 are newly added. This action is made Final.

Claim Objections

3. The claim Amendment received on 7/6/2007. The changes are acknowledged and accepted. Therefore, the Claim Objections made in a prior Office Action are withdrawn.

Claim Rejections - 35 USC § 101

4. The claim Amendment received on 7/6/2007. The changes are acknowledged and accepted. Therefore, the 35 U.S.C. 101 rejections made in a prior Office Action are withdrawn.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 42-45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 42-45, these claims recite the limitation of “searching one or more indexes for a first corpus of content... second, different corpus of content” (i.e., lines 2-4 of

claim 42). These claimed limitations constitute new matter since there was no support for these claimed limitation in the original specification. More specifically, the specification (pg. 4, [0008]) discloses the phrase "... processing the query in a first manner when the query is determined to be a non-commercial query. The method may further include processing the query in a second, different manner when the query is determined to be a commercial query", and such a limitation does not support the claimed limitation of "one or more indexes for a first corpus of content" and "one or more indexes for a second, different corpus of content" Therefore, the claimed limitation of "searching one or more indexes for a first corpus of content... second, different corpus of content" constitutes new matter.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 42-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 42-45, these claims recite the limitation " one or more indexes for a first corpus of content" and "one or more indexes for a second, different corpus of content " (i.e., lines 2-4 of claim 42). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 5-11 and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0220912 by Fain et al. (hereinafter Fain) in view of U.S. Patent Application Publication No. 2005/0027670 by Petropoulos (hereinafter Petropoulos), and further in view of U.S. Patent No. 6,321,224 issued to Beall et al. (hereinafter Beall).

Regarding Claims 1, 9 and 11, Fain discloses a method for processing a query, comprising:

- A) **receiving a query**, as a query submitted by a user (Fain: [0012 & 0019]);
- C) **processing the query in a first manner when the query is determined to be a non-commercial query**, as a first processing of treating all queries as non-commercial queries (Fain: [0024, 0048 & 0080]); and
- D) **processing the query in a second, different manner when the query is determined to be a commercial query**, as a filtering out process to sort out commercial queries (Fain: [0024, 0050 and 0080]).

Fain does not explicitly disclose:

- B) **determining, whether the query is a commercial query or a non-commercial query;**

However, Petropoulos discloses:

B) determining, whether the query is a commercial query or a non-commercial query; as the query is determined to be non-commercial or commercial (Petropoulos: [0071]);

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Fain with the teachings of Petropoulos to utilize the search engine to identify the submitted query as a commercial or a non-commercial query to with the motivation to enhance identifying commercial or non-commercial queries in the search engine to better find a listing of best matching web documents (Petropoulos: [0002 & 0004]).

Fain and Petropoulos do not explicitly disclose:

A). wherein the query includes at least an entered term or phrase,

B). determining, based at least in part on an analysis of the entered term or phrase.

However, Beall discloses:

A). wherein the query includes at least an entered term or phrase, as an entered search string by a user (Beall: col. 4, lns. 62-col. 5, lns. 2),

B). determining, based at least in part on an analysis of the entered term or phrase, as to find an exact match of the search string against the database (Beall: col. 5, lns. 15-29).

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Fain and Petropoulos with the teachings of Beall to utilize the strings entered by a user with the motivation to enhance identifying the submitted search term within the database (Beall: col. 2, lns. 35-47).

Regarding Claim 5, Fain and Petropoulos and Beall disclose the method wherein the processing the query in a first manner includes:

- retrieving one or more documents relating to the query (Fain: [0079]), and
- scoring the one or more documents based at least in part on a first set of criteria (Fain: [0078, 0084 and 0087]).

Regarding Claim 6, Fain and Petropoulos and Beall disclose the method wherein the processing the query in a second, different manner includes:

- retrieving the one or more documents relating to the query (Fain: [0079]) and (Petropoulos: [0071]), and
- scoring the one or more documents based at least in part on a second, different set of criteria (Fain: [0078, 0084 and 0087]).

Regarding Claim 7, Fain and Petropoulos and Beall disclose the method wherein the determining includes:

- determining whether the query is a commercial query or a non-commercial query based at least in part on one or more attributes of documents that match the query (Fain: [0012, 0019, 0046 & 0078]) and (Petropoulos: [0071]).

Regarding Claim 8, Fain and Petropoulos and Beall disclose the method wherein the determining includes:

- determining whether the query is a commercial query or a non-commercial query based at least in part on user-supplied data regarding the query or documents that match the query (Fain: [0078-0079]) and (Petropoulos: [0071]).

Regarding Claim 10, this claim is also rejected based upon the same reasoning as claims 1, 9 and 11. Additionally, Fain, Petropoulos and Beall disclose:

A). a memory configured to store instructions, as a recordable data storage medium (Fain: [0082]) ; and

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Fain and Petropoulos with the teachings of Beall to utilize the strings entered by a user with the motivation to enhance identifying the submitted search term within the database (Beall: col. 2, lns. 35-47).

Regarding claim 42, Fain and Petropoulos and Beall disclose the method wherein processing the query in first manner includes searching one or more indexes for a first corpus of content and processing the query in a second manner includes searching one or more indexes for a second, different corpus of content (Petropoulos: pg. 4, [0062]; pg. 5, [0078]) and (Beall: col. 5, lns. 15-29)

Regarding claims 43, 44 and 45, Fain and Petropoulos and Beall disclose the computer-implemented system wherein means for processing each query in the one or more queries based at least in part on the identifying includes:

means for searching one or more indexes for a first corpus of content when the query is identified as non-commercial (Fain: [0024, 0050 and 0080]) and (Petropoulos: pg. 4, [0062]; pg. 5, [0078]) and (Beall: col. 5, lns. 15-29); and

means for searching one or more indexes for a second, different corpus of content when the query is identified as commercial (Fain: [0024, 0048 & 0080]) and (Petropoulos: pg. 4, [0062]; pg. 5, [0078]) and (Beall: col. 5, lns. 15-29).

11. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fain in view of Petropoulos, further in view of Beall, and further in view of U.S. Patent Application Publication No. 2005/0050045 by Taira et al. (hereinafter Taira).

Regarding Claim 2, Fain and Petropoulos and Beall disclose the method wherein the determining includes:

- determining whether the query is included in a list of commercial (Fain: [0012, 0019]) and (Petropoulos: [0071]), and
- identifying the query as a commercial query when the query is included in the list of commercial (Fain:[0012 & 0019]) and (Petropoulos: [0071]).

Fain and Petropoulos do not explicitly disclose:

- query patterns;

However, Taira discloses:

- query patterns (Taira: [0328]).

It would have been obvious to a person with ordinary skill in the art at the time of invention to modify the teachings of Fain, Petropoulos and Beall with the teachings of Taira to utilize the query pattern with the motivation to enhance the search engine to return more useful results to satisfy the user with the more accurate search result (Taira: [0014]).

Regarding Claim 3, Fain and Petropoulos and Beall and Taira disclose the method wherein the determining further includes:

- determining, when the query is not included in the list of commercial query patterns, whether the query relates to at least one commercial query pattern in the list of commercial query patterns (Fain: [0012, 0019 & 0057]) and (Petropoulos: [0071]) and (Taira: [0328]),
- identifying the query as a commercial query when the query relates to at least one commercial query pattern in the list of commercial query patterns (Fain: [0012, 0019 & 0057]) and (Petropoulos: [0071]) and (Taira: [0328]), and
- identifying the query as a non-commercial query when the query is unrelated to the list of commercial query patterns (Fain: [0019 & 0050]) and (Petropoulos: [0071]) and (Taira: [0328]).

Regarding Claim 4, Fain and Petropoulos and Beall and Taira disclose the method wherein the determining whether the query relates to at least one commercial query pattern in the list of commercial query patterns includes:

- determining whether the query relates to at least one commercial query pattern based at least in part on at least one of a use of stemming, an identification of one or more synonyms, an identification of one or more related words, and an identification of a category or classification (Fain: [0019, 0051, 0052]) and (Petrooulos: [0071]).

Response to Arguments

12. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon & Thur 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
Art Unit 2161

mpyo
9/15/2007


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SUPERVISORY PATENT EXAMINER